

**Executive Summary – Enforcement Matter – Case No. 50056**

**City of Houston**

**RN102384336**

**Docket No. 2015-0218-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Police Department Fleet Maintenance, 17000 Aldine Westfield Road, Houston, Harris County

**Type of Operation:**

Police training academy and firing range

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 24, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,126

**Amount Deferred for Expedited Settlement:** \$1,625

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,501

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50056**  
**City of Houston**  
**RN102384336**  
**Docket No. 2015-0218-IHW-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 13, 2014

**Date(s) of NOE(s):** January 29, 2015

***Violation Information***

1. The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of industrial hazardous waste ("IHW"). Specifically, the Respondent shipped a 20 cubic yard roll-off box containing High-Efficiency Particulate Air ("HEPA") filters, which were characteristically hazardous for lead (EPA hazardous waste code D008) to the Tall Pines Landfill, which is not authorized to receive hazardous waste, on September 4, 2012 [in violation of 30 TEX. ADMIN. CODE §§ 335.2(b) and 335.78(g)(3)].
2. Failed to manifest hazardous waste utilizing a completed Uniform Hazardous Waste Manifest form. Specifically, a 20 cubic yard roll-off box containing HEPA filters which were characteristically hazardous for lead (D008) was shipped without a Uniform Hazardous Waste Manifest form on September 4, 2012 [30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.20(b)].
3. Failed to conduct hazardous waste determinations and classifications and maintain the required documentation. Specifically, the Respondent did not conduct hazardous waste determinations and classifications and maintain adequate documentation for HEPA filters containing hazardous waste [30 TEX. ADMIN. CODE §§ 335.62, 335.503, 335.504, and 335.513 and 40 CFR § 262.11(c)(1)].
4. Failed to maintain records of any test results, waste analyses, or other determinations for at least three years from the date that the waste was last sent to an on-site or off-site storage, processing, or disposal facility. Specifically, the Respondent did not maintain waste determinations for wastes sent to an off-site facility [30 TEX. ADMIN. CODE § 335.70 and 40 CFR § 262.40(c)].
5. The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of IHW. Specifically, the auger system was discharging lead particulate matter from the conveyor system onto the concrete surface below the system [30 TEX. ADMIN. CODE § 335.4].
6. Failed to pay outstanding sewage sludge fees for TCEQ Financial Account No. 0807166 [30 TEX. ADMIN. CODE § 312.9 and TEX. WATER CODE § 5.702].

**Executive Summary – Enforcement Matter – Case No. 50056**  
**City of Houston**  
**RN102384336**  
**Docket No. 2015-0218-IHW-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. Began maintaining hazardous waste records at the Facility on May 22, 2014; and
- b. Submitted documentation on May 22, 2014, documenting the repair to the auger system and the cleanup and authorized disposal of the waste residue that was discharged on the concrete surface below the conveyor system.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, cease disposing and discharging any additional hazardous waste, including but not limited to HEPA filters, at an unauthorized facility.
- b. Within 30 days:
  - i. Develop and implement procedures to ensure that all waste is shipped to an authorized facility and that all employees follow the procedures in the disposal of waste, including but not limited to, ensuring proper manifests accompany all shipments of hazardous waste;
  - ii. Begin maintaining all required documentation and conducting waste determinations and classifications on all waste streams, including the HEPA filters containing hazardous waste; and
  - iii. Submit payment for outstanding fees, including any associated penalties and interest, with the notation "City of Houston Account No. 0807166".
- c. Within 45 days, submit written certification demonstrate compliance with 2.a. through 2.b.iii.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50056**  
**City of Houston**  
**RN102384336**  
**Docket No. 2015-0218-IHW-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division,  
Enforcement Team 7, MC R-12, (713) 767-3682; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Gabriel Mussio, Division Manager, City of Houston, 900 Bagby Street,  
2nd Floor, Houston, Texas 77002

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	2-Feb-2015	<b>Screening</b>	4-Feb-2015	<b>EPA Due</b>	
	<b>PCW</b>	17-Feb-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Houston
<b>Reg. Ent. Ref. No.</b>	RN102384336
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	6
<b>Enf./Case ID No.</b>	50056	<b>Order Type</b>	1660
<b>Docket No.</b>	2015-0218-IHW-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Danielle Porras
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$8,750**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes No adjustment due to compliance history.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **-\$624**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$2,594  
Estimated Cost of Compliance \$10,550  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$8,126**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$8,126**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$8,126**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,625**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$6,501**

Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 335.2(b) and 335.78(g)(3)

Violation Description

The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of industrial hazardous waste ("IHW"). Specifically, the Respondent shipped a 20 cubic yard roll-off box containing High-Efficiency Particulate Air ("HEPA") filters which were characteristically hazardous for lead (EPA hazardous waste code D008) to the Tall Pines Landfill, which is not authorized to receive hazardous waste, on September 4, 2012.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended for the single shipment.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,073

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 50056  
**Reg. Ent. Reference No.** RN102384336  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	13-May-2014	30-Oct-2015	1.47	\$73	n/a	\$73

### Notes for DELAYED costs

Estimated cost to develop and implement standard operating procedures to prevent disposal of IHW at unauthorized facilities. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$2,000	4-Sep-2012	4-Sep-2012	0.00	\$0	\$2,000	\$2,000
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided cost to dispose of the HEPA filters at an authorized facility. The Date Required and the Final Date are the date of the unauthorized disposal.

Approx. Cost of Compliance

\$3,000

**TOTAL**

\$2,073



Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.10(a)(1) and 40 Code of Federal Regulations ("CFR") § 262.20(b)

## Violation Description

Failed to manifest hazardous waste utilizing a completed Uniform Hazardous Waste Manifest form. Specifically, a 20 cubic yard roll-off box containing HEPA filters which were characteristically hazardous for lead (D008) was shipped without a Uniform Hazardous Waste Manifest form on September 4, 2012.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$297

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

# Economic Benefit Worksheet

**Respondent** City of Houston

**Case ID No.** 50056

**Reg. Ent. Reference No.** RN102384336

**Media** Industrial and Hazardous Waste

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	4-Sep-2012	30-Oct-2015	3.15	\$158	n/a	\$158
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	4-Sep-2012	30-Oct-2015	3.15	\$79	n/a	\$79

**Notes for DELAYED costs**

Estimated cost to ensure proper manifests accompany all shipments of hazardous wastes (\$500) and estimated cost to develop and implement standard operating procedures to ensure proper manifesting of hazardous waste (\$1,000). The Date Required is the date the hazardous waste was shipped and the Final Date is the estimated compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	4-Sep-2012	4-Sep-2012	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost for manifest accompany all shipments of hazardous wastes. The Date Required and the Final Date are the date the hazardous waste was shipped.

**Approx. Cost of Compliance**

\$1,550

**TOTAL**

\$287

Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503, 335.504, and 335.513 and 40 CFR § 262.11(c)(1)

Violation Description

Failed to conduct hazardous waste determinations and classifications and maintain the required documentation. Specifically, the Respondent did not conduct hazardous waste determinations and classifications and maintain adequate documentation for HEPA filters containing hazardous waste.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

297 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One event is recommended for the single waste stream.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$220

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 50056  
**Reg. Ent. Reference No.** RN102384336  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	13-May-2014	30-Oct-2015	1.47	\$220	n/a	\$220

Notes for DELAYED costs

Estimated cost to conduct waste determinations and classifications on the waste stream. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$220

Screening Date 4-Feb-2015  
Respondent City of Houston  
Case ID No. 50056

Docket No. 2015-0218-IHW-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336  
Media [Statute] Industrial and Hazardous Waste  
Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.70 and 40 CFR § 262.40(c)

Violation Description Failed to maintain records of any test results, waste analyses, or other determinations for at least three years from the date that the waste was last sent to an on-site or off-site storage, processing, or disposal facility. Specifically, the Respondent did not maintain waste determinations for wastes sent to an off-site facility.

Base Penalty \$25,000

### >> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

### >> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

### Violation Events

Number of Violation Events 1

1095 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

### Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on May 22, 2014, prior to the Notice of Enforcement ("NOE") dated January 29, 2015.

Violation Subtotal \$938

### Economic Benefit (EB) for this violation

### Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 50056  
**Reg. Ent. Reference No.** RN102384336  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	13-May-2014	22-May-2014	0.02	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain hazardous waste records. The Date Required is the investigation date and the Final Date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$1

Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of IHW. Specifically, the auger system was discharging lead particulate matter from the conveyor system onto the concrete surface below the system.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

9

Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the May 13, 2014 investigation to the May 22, 2014 compliance date.

## Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on May 22, 2014, prior to NOE dated January 29, 2015.

Violation Subtotal \$938

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 50056  
**Reg. Ent. Reference No.** RN102384336  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment	\$1,000	13-May-2014	22-May-2014	0.02	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	13-May-2014	22-May-2014	0.02	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the auger system and to remove and dispose of the discharged waste. The Date Required is the investigation date and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$3



Screening Date 4-Feb-2015

Docket No. 2015-0218-IHW-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 50056

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102384336

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 312.9 and Tex. Water Code § 5.702

Violation Description

Failed to pay outstanding sewage sludge fees for TCEQ Financial Account No. 0807166.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

No penalty is calculated for this violation.

Adjustment \$25,000

\$0

## Violation Events

Number of Violation Events

Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	(mark with x)

Notes

Violation Subtotal \$0

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 50056  
**Reg. Ent. Reference No.** RN102384336  
**Media** Industrial and Hazardous Waste  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600128995, RN102384336, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600128995, City of Houston

**Classification:** SATISFACTORY

**Rating:** 1.62

**Regulated Entity:** RN102384336, Police Department  
Fleet Maintenance

**Classification:** UNCLASSIFIED

**Rating:** -----

**Complexity Points:** 1

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 17000 ALDINE WESTFIELD RD HOUSTON, TX 77073-5102, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**INDUSTRIAL AND HAZARDOUS WASTE** OTS REQUEST  
36001

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD982561516

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** February 03, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 03, 2010 to February 03, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Danielle Porras

**Phone:** (713) 767-3682

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HOUSTON  
RN102384336**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0218-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Houston ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns a police training academy and firing range at 17000 Aldine Westfield Road in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 3, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand One Hundred Twenty-Six Dollars (\$8,126) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Five Hundred One Dollars (\$6,501) of the administrative penalty and One Thousand Six Hundred Twenty-

Five Dollars (\$1,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Began maintaining hazardous waste records at the Facility on May 22, 2014; and
  - b. Submitted documentation on May 22, 2014, documenting the repair to the auger system and the cleanup and authorized disposal of the waste residue that was discharged on the concrete surface below the conveyor system.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of IHW, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b) and 335.78(g)(3), as documented during an investigation conducted on May 13, 2014. Specifically, the Respondent shipped a 20 cubic yard roll-off box containing High-Efficiency Particulate Air ("HEPA") filters, which were characteristically hazardous for lead (EPA hazardous waste code D008) to the Tall Pines Landfill, which is not authorized to receive hazardous waste, on September 4, 2012.

2. Failed to manifest hazardous waste utilizing a completed Uniform Hazardous Waste Manifest form, in violation of 30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.20(b), as documented during an investigation conducted on May 13, 2014. Specifically, a 20 cubic yard roll-off box containing HEPA filters which were characteristically hazardous for lead (Doo8) was shipped without a Uniform Hazardous Waste Manifest form on September 4, 2012.
3. Failed to conduct hazardous waste determinations and classifications and maintain the required documentation, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503, 335.504, and 335.513 and 40 CFR § 262.11(c)(1), as documented during an investigation conducted on May 13, 2014. Specifically, the Respondent did not conduct hazardous waste determinations and classifications and maintain adequate documentation for HEPA filters containing hazardous waste.
4. Failed to maintain records of any test results, waste analyses, or other determinations for at least three years from the date that the waste was last sent to an on-site or off-site storage, processing, or disposal facility, in violation of 30 TEX. ADMIN. CODE § 335.70 and 40 CFR § 262.40(c), as documented during an investigation conducted on May 13, 2014. Specifically, the Respondent did not maintain determinations for wastes sent to an off-site facility.
5. The Respondent caused, suffered, allowed, or permitted, the unauthorized disposal of IHW, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on May 13, 2014. Specifically, the auger system was discharging lead particulate matter from the conveyor system onto the concrete surface below the system.
6. Failed to pay outstanding sewage sludge fees for TCEQ Financial Account No. 0807166, in violation of 30 TEX. ADMIN. CODE § 312.9 and TEX. WATER CODE § 5.702, as documented during a record review conducted on February 4, 2015.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Houston, Docket No. 2015-0218-IHW-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease disposing and discharging any additional hazardous waste, including but not limited to HEPA filters, at an unauthorized facility.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Develop and implement procedures to ensure that all waste is shipped to an authorized facility and that all employees follow the procedures in the disposal of waste, including but not limited to, ensuring proper manifests accompany all shipments of hazardous waste, in accordance with 30 Tex. Admin. Code § 335.10;
    - ii. Begin maintaining all required documentation and conducting waste determinations and classifications on all waste streams, including the HEPA filters containing hazardous waste, in accordance with 30 TEX. ADMIN. CODE §§ 335.503 and 335.513 and 40 CFR § 262.11; and
    - iii. Submit payment for outstanding fees, including any associated penalties and interest, with the notation "City of Houston Account No. 0807166," to the address listed in Ordering Provision No. 1.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."



The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Moreno  
For the Executive Director

9/11/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Gabriel Mussio

Date

5/14/2015

Gabriel Mussio  
Name (Printed or typed)  
Authorized Representative of  
City of Houston

Division Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.